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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,958	01/28/2002	Edward R. diGirolamo	4782-022	4628

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EXAMINER

HORTON, YVONNE MICHELE

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 02/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action SummaryApplication No.
10/059,958Applicant(s)
EDWARD DI GIROLAMO ET AL.Examiner
YVONNE M. HORTONArt Unit
3635**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jan 28, 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12, 13, 16-18, 20, 21, and 24-26 is/are rejected.
- 7) ☒ Claim(s) 11, 14, 15, 19, 22, 23, and 27-29 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-10,12-13,16-18,20,21 and 24-26 rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #6,389,778 to STRANGE. STRANGE discloses a wall structure including a pair of opposed members (15,16) and (54,60); a plurality of spaced apart studs (11-13) and (51-53,57,59,64) connected between members (15,16) and (54,60); openings (19) in the studs (11-13) and (51-53,57,59,64); and at least one diagonal brace (14) and (66,68) extending through the openings (19). In reference to claim 2, the wall structure includes opposed corner areas (17,18) and (55,56, 56a,65) wherein the diagonal braces (14) and (66,68) through openings (19) and connected to the corner areas (17,18) and (55,56,56a,65). Regarding claim 3, a pair of diagonal braces (66,68) extend through openings (19) within the studs (11-13) and (51-53,57,59,64). In reference to claim 4, the diagonal brace (14) and (66,68) is an elongated rod. Regarding claim 5, the wall structure includes opposed corner areas (17,18) and (55,56,56a,65) wherein the elongate rods (14) and (66,68) are connected to the corner areas (17,18) and (55,56,56a,65). In reference to claim 6, the structure includes four corner areas

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(56a,65) and (55,56) and a pair of diagonal rods (66,68) connected therebetween. Regarding claim 7, the studs similar to (11,13) serve as a pair of sides and stud (12) serves as the central area wherein the diagonal braces (14) extends through the central area (12) and (53). In reference to claim 8, a pair of diagonal braces (66,68) extend through the central area (12) and (53).

Regarding claim 9, the wall structure includes opposed corner areas wherein the diagonal braces (14) and (66,68) through a connector (56a,65) and (55,56). In reference to claims 10 and 12, the diagonal braces (14) and (66,68) are connected to the connectors (56a,65) and (55,56) in tension at all times. Regarding claim 13, each connector (56a,65) and (55,56) is anchored between the stud (11-13) and (51-53,57,59,64) and one of the opposed members (15,16) and (54,60).

In reference to claim 16, STRANGE discloses a wall structure including an upper (15) and (54); a lower member (16) and (60); a series of spaced apart studs (11-13) and (51-53,57,59,64) with openings (19); a diagonal brace (14) and (66,68) extending through the openings (19); a pair of connectors (56a,65) and (55,56) connected at the opposite ends of the braces (14) and (66,68) at the corners of the wall structure wherein the connectors (56a,65) and (55,56) is secured between the stud (11-13) and (51-53,57,59,64) and the upper (15) and (54) or lower (16) and (60) members. Regarding claims 17 and 18 the braces (14) and (66,68) are elongated rigid shafts. In reference to claims 20 and 21, as seen in Figure 5b, the connectors of wall structure includes a pair of plates (75) secured to form a triangular configuration; wherein the connector has a tail section (T) that extends between the two plates (75). Regarding claim 24,

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the studs similar to (11,13) serve as a pair of sides and stud (12) serves as the central area wherein the diagonal braces (14) extends through the central area (12) and (53).

In reference to claim 25, STRANGE discloses a wall structure including a pair of opposed members (15,16) and (54,60). Regarding claim 26, a pair of diagonal braces (66,68) extend through the central area (12) and (53).

Allowable Subject Matter

3. Claims 11,14,15,19,22,23 and 27-29 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (703) 308-1909.


YMH

February 20, 2003

